

**Barnes, Iaccarino, Virginia, Ambinder & Shepherd, PLLC**  
**ATTORNEYS AT LAW**

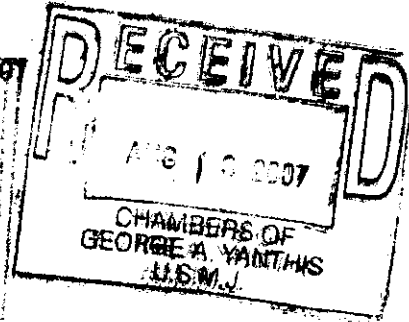
3 Surrey Lane  
Hempstead, New York 11550  
(516) 483-2990  
Fax: (516) 483-0566

258 Saw Mill River Road  
Elmsford, New York 10523  
(914) 592-1515  
Fax: (914) 592-3213

111 Broadway  
Trinity Centre  
Suite 1903  
New York, New York 10006  
(212) 943-8000  
Fax: (212) 943-8002

Honorable Judge George A. Yanthis  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

August 9, 2007



Re: Trustees of the District Council 9 et. al. v. Proper Construction Inc.  
Docket No. 07 CIV 5802 (WP4)(GAY)

Dear Honorable Judge Yanthis:

This office represents the plaintiffs in the above matter. This letter makes reference to the Order dated August 2, 2007 directing plaintiffs to advise the Court of the status of the case.

This matter involves the enforcement of a Collective Bargaining Agreement, more specifically, the collection of late charges.

The defendant has been in contact with my office and a settlement has been reached. On August 7, 2007 my office sent to the defendant a settlement agreement and affidavit of confession of judgment to be executed with the first payment due August 28, 2007. Upon receipt of the executed documents we will file with the Court a voluntary notice of dismissal. If the documents are not executed we will prepare and file a notice of default judgment.

Thank you for your assistance and courtesies.

Sincerely,

Dana L. Henke (DLH3025)